

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ODELL GENE GOLDEN,)	
)	
Petitioner,)	
)	1:13CV163
v.)	1:12CR26-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	


ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on March 5, 2013, was served on the parties in this action. Petitioner filed objections to the Recommendation. (Doc. 38.)

The Court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The Court adopts the Magistrate Judge's Recommendation in full.

IT IS THEREFORE ORDERED that that this action is filed and **DISMISSED** *sua sponte* without prejudice to Petitioner promptly filing a motion on the proper § 2255 forms once his direct appeal concludes. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 15th day of April, 2013.


UNITED STATES DISTRICT JUDGE